

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Leonard Woods,

Case No. 2:17-cv-01936-JAD-DJA

Plaintiff  
v.

## **Order Adopting Report and Recommendation and Dismissing Case**

L Reyes, et al.,

[ECF No. 12]

## Defendants

8 Leonard Woods brings this civil-rights action to redress events that he claims occurred  
9 during his incarceration at the Clark County Detention Center and to challenge law-enforcement  
10 actions that led to his arrest.<sup>1</sup> Woods's mail has been getting returned to the Court, and he was  
11 ordered to update his address by July 26, 2019, or face dismissal.<sup>2</sup> Because Woods has not  
12 updated his address, and his mail continues to be returned, the magistrate judge recommends that  
13 I dismiss this case without prejudice.<sup>3</sup> The deadline to challenge that recommendation passed  
14 without objection or any request to extend the deadline to file one. “[N]o review is required of a  
15 magistrate judge’s report and recommendation unless objections are filed.”<sup>4</sup>

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.<sup>5</sup> A

<sup>1</sup> See Amended Screening Order, ECF No. 9.

2 ECF No. 7.

3 ECF No. 12.

<sup>22</sup> <sup>4</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

<sup>23</sup>||<sup>5</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

1 court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a  
2 court order, or failure to comply with local rules.<sup>6</sup> In determining whether to dismiss an action  
3 on one of these grounds, the court must consider: (1) the public’s interest in expeditious  
4 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the  
5 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the  
6 availability of less drastic alternatives.<sup>7</sup>

7       The first two factors, the public’s interest in expeditiously resolving this litigation and the  
8 court’s interest in managing its docket, weigh in favor of dismissal of the plaintiff’s claims. The  
9 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a  
10 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading  
11 ordered by the court or prosecuting an action.<sup>8</sup> A court’s warning to a party that its failure to  
12 obey the court’s order will result in dismissal satisfies the fifth factor’s “consideration of  
13 alternatives” requirement,<sup>9</sup> and that warning was given here.<sup>10</sup> The fourth factor—the public  
14 policy favoring disposition of cases on their merits—is greatly outweighed by the factors  
15 favoring dismissal.

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17       <sup>6</sup> See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with  
18 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to  
19 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–  
20 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to  
keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.  
1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,  
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

21       <sup>7</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;  
22 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

23       <sup>8</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

24       <sup>9</sup> *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

25       <sup>10</sup> ECF Nos. 7, 12.

1 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY  
2 ORDERED that the Report and Recommendation [ECF No. 12] is ADOPTED, and this case is  
3 DISMISSED for failure to file a notice of changed address as directed by the court. The Clerk  
4 of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.

5 Dated: November 16, 2019

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U.S. District Judge Jennifer A. Dorsey